

**REMARKS**

Reconsideration of this application, as amended, is respectfully requested.

Claims 1-25 are currently pending in this application. In the Office Action, the Examiner rejected Claims 1-25 under 35 U.S.C. §103(a) as being unpatentable over U.S. Publication No. 2004/0116125 to *Terry* in view of U.S. Patent No. 6,445,917 to *Bark et al.* (hereinafter, *Bark*).

Independent Claim 1 recites, in part, a scheme for switching a type of a transmission scheme to a point-to-point multipoint (PTM) scheme, by a Node B, which provides an MBMS service to at least one UE in a PTP scheme as the transmission scheme. A measurement command from the RNC is received by the Node B. Upon receiving the measurement command, total transmission power of a dedicated channel providing the MBMS service is measured by the Node B for the cell. A power threshold and a waiting time provided from the RNC are received by the Node B before receiving the measurement command. A request for switching the transmission scheme is sent to the RNC, if the measured total transmission power exceeds the power threshold for the waiting time.

Regarding the rejection of independent Claim 1 under 35 U.S.C. §103(a), the Examiner contends that *Terry* teaches or suggests each and every element of the claim with the exception of sending a request for switching the transmission scheme to the RNC based on received measurement command from the RNC. The Examiner cites *Bark* in an attempt to remedy the deficiencies of *Terry*.

*Terry* discloses a radio access network and a method for sending multimedia broadcasts/multicast services (MBMS) using channel switching. The channel switching is between dedicated and shared/common channels. *Terry* also discloses MBMS reception scheduling for use when a wireless transmit/receive device receives an MBMS service from

multiple transmission sources. The sources transmit the MBMS service data in differing orders. *Bark* is directed to MS general measurement schemes.

Claim 1 has been amended to further distinguish the claim over *Terry* and *Bark*. More specifically, independent Claim 1 has been amended to recite that the measurement command is received by the Node B, the total transmission power is measured by the Node B, and the power threshold and the waiting time are received by the Node B. *Terry* fails to disclose that the Node B performs the measurement of the total transmission power of a dedicated channel providing the MBMS service, for the cell, as recited in Claim 1. *Bark* recites the sending of a measurement control message to a mobile station instead of a Node B. *Bark* also fails to disclose measurement of the total transmission power of a dedicated channel. Thus, *Bark* fails to remedy the deficiencies of *Terry*.

Independent Claims 8, 14, 20 and 25, also rejected under §103(a), include recitations similar to those contained in amended Claim 1. Specifically, Claim 8 recites that a report on the measurement result, in which total transmission power is measured, is received from the Node B. Claim 14 recites that a total transmission power is measured by the Node B. Claim 20 recites that a report on the total transmission power, measured in response to the measurement command, is received from the Node B. Claim 25 recites that the total transmission power is measured by the Node B. Accordingly, Claims 8, 14, 20 and 25 are also allowable for at least the reasons provided above with respect Claim 1.

While not conceding the patentability of dependent Claims 2-7, 9-13, 15-19 and 21-24, per se, Claims 2-7, 9-13, 15-19 and 21-24 are patentable at least by virtue of their dependency from independent Claims 1, 8, 14 and 20. Thus, Applicants assert that the combination of *Terry* and *Bark* fails to teach, suggest or render obvious the elements of Claims 1-25, and withdrawal of the §103(a) rejection of Claims 1-25 is respectfully requested.

Accordingly, all of the claims pending in the Application, namely, Claims 1-25, are believed to be in condition for allowance. Should the Examiner believe that a telephone conference or personal interview would facilitate resolution of any remaining matters, the Examiner may contact Applicants' attorney at the number given below.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Paul J. Farrell", written over a horizontal line.

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